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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/296,538

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 12-14, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Checchio et al. US Patent No. 5,912,951.

2.1 Regarding claim 1, Checchio discloses a voice messaging system in figure 3A, comprising:

a controller 304;

a voice message memory 314;

a deleted voice message memory (not shown) (column 5, lines 60-66);

wherein a voice message is initially stored in voice message memory 314, and upon deletion of said voice message from voice message memory 314, said voice

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message is moved and re-stored in said deleted voice message memory (column 5, lines 60-66).

2.2 Regarding claim 12, Checchio discloses method for managing a voice message in a voice messaging system, comprising:

moving a deleted voice message from memory 314 [first memory area] (figure 3A) to a deleted voice message memory [second memory area] in the voice messaging system (column 5, lines 60-66).

2.3 Regarding claim 22, Checchio discloses a voice messaging system in figure 3A, comprising:

means for removing a deleted voice message from memory 314 [first memory area] (column 5, lines 60-66);

means for storing said deleted voice message in a deleted voice message memory (column 5, lines 60-66); and

means for retrieving said a saved voice message from a saved voice message memory 318 for payback (column 4, lines 17-24), and by inherency, means for retrieving said deleted voice message from said deleted voice message memory for payback.

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2.4 Regarding claim 2, Checchio's system further comprises a telephone line interface 302 over which said voice message is initially received by said voice messaging system.

2.5 Regarding claims 3 and 13, Checchio teaches that a voice message saved in a saved message memory 318. A voice message saved in the voice message memory 318 is retrievable for playback by a user (column 4, lines 17-24), and by inherency, a deleted voice message saved in a deleted voice message memory is also retrievable for playback by a user.

2.6 Regarding claims 14 and 23, Checchio teaches that a voice message saved in a saved message memory 318 is retrievable for playback (column 4, lines 17-24) by a entering a predetermined code from a telephone keypad (column 5, lines 38-41), and by inherency, a deleted voice message saved in a deleted voice message memory is also retrievable for playback by a entering a predetermined code via a keypad.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4, 6, 15-18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio et al. US Patent No. 5,921,951 in view of Pickett et al. US Patent 6,266,340.

Checchio teaches moving a deleted voice message from memory 314 to a deleted voice message memory, but fails to teach permanently deleting (erased) said deleted voice message from said deleted voice message memory.

However, Pickett discloses a system and method for multiple voice data communication. Pickett teaches that a voice mail is purged [permanently deleted] from memory 424 after a predetermined period of time or at predetermined time interval (column 53, lines 37-43, 50-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Checchio reference with the teaching of Pickett so that a deleted voice message would have been permanently deleted after a predetermined period of time or at a predetermined time interval, because such modification would have prevented memory overflow in the deleted voice message memory area by purging old deleted voice messages to make room for newly deleted voice messages.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio et al. US Patent No. 5,921,951 in view of Pickett et al. US Patent 6,266,340 and further in view of Sato Japanese Patent No.10-200634.

The Checchio reference, modified by Pickett, teaches permanently deleting a deleted voice message from the deleted voice message memory, but fails to teach that the deleted voice message is permanently deleted via input from a keypad.

However, Sato discloses a voice messaging system in figure 1. Sato teaches that when a voice message stored in the voice storage memory 7 exceeds a time limit set in memory 10, the voice messaging system automatically dials a user's telephone, plays the voice message to the user and informs the user about the time expiration of the voice message, then the user has an option to enter a command to delete the voice message (abstract; paragraphs 0015-0018). It is inherent that a command is entered from the user's telephone keypad as taught by Checchio (column 5, lines 38-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Checchio reference, which was modified by Pickett, with the teaching of Sato so that a deleted voice message would have been permanently deleted from the deleted voice message memory after a user had entered a command from his telephone keypad, because such modification would have enabled a user to selectively deleting unwanted voice messages stored in the deleted voice message memory.

6. Claims 7-9, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio et al. US Patent No. 5,921,951 in view of Pickett et al. US Patent 6,266,340 and further in view of Garson et al. US Patent 5,689,550.

The Checchio reference, modified by Pickett, teaches permanently deleting a deleted voice message from the deleted voice message memory, but fail to teach deleting the deleted voice message when the deleted voice message reaches a predetermined number, or a percentage of the deleted voice message memory.

However, Garson discloses an interactive voice messaging system. Garson teaches that when deleted call-detail-report (CDR) in a "delete queue" (in a memory area) reaches its limit by percentage of memory area, or by number of records, the oldest record is deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Checchio reference, which was modified by Pickett, with the teaching of Garson so that the oldest deleted voice message(s) in the deleted voice message memory would have been permanently deleted when deleted voice messages reached a predetermined number, or a percentage of the deleted voice message memory capacity, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

7. Claims 10, 11, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio et al. US Patent No. 5,921,951 in view of Newton US Patent 5,978,757.



Checchio teaches moving a deleted voice message from memory 314 to a deleted voice message memory, but fails to teach compressing said deleted voice message stored in said deleted voice message memory.

However, Newton discloses a system and method for post storage message compaction. Newton teaches that new voice mail messages with lower compression ratio, are deleted from new voice message memory area, compressed with a higher compression ration, and then store in a compressed message memory area (column 4, lines 1-9, 20-32; column 15-18). It is inherent that higher compression ration has a lower bit rate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Checchio reference with the teaching of Newton so that a deleted voice message would have been compressed and stored in the deleted voice message memory, because such modification would have enabled the deleted voice message memory to hold more voice messages.

8. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio et al. US Patent No. 5,921,951 in view of Garson et al. US Patent 5,689,550.

Checchio teaches moving a deleted voice message to the deleted voice message memory, but fail to teach deleting the deleted voice message when the deleted voice message reaches a predetermined number, or a percentage of the deleted voice message memory.

However, Garson discloses an interactive voice messaging system. Garson teaches that when deleted call-detail-report (CDR) in a "delete queue" (in a memory area) reaches its limit by percentage or number of records, the oldest record is deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Checchio reference with the teaching of Garson so that the oldest deleted voice message(s) in the deleted voice message memory would have been permanently deleted when deleted voice messages reached a predetermined number, or the percentage of the deleted voice message memory capacity, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



S.S.

12/05/2002

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